

Attorney Name, Address and Telephone Number	FILE WITH THE U.S. TRUSTEE ONLY-DO NOT FILE IN BANKRUPTCY COURT
Attorney for Debtor	
OFFICE OF THE UNITED STATES TRUSTEE EASTERN DISTRICT OF CALIFORNIA	CHAPTER 11 CASE NUMBER
In Re:	
REAL PROPERTY QUESTIONNAIRE Check One ( ) Owned ( ) Being Purchased ( ) Leased	

Within seven (7) days after the filing of the petition, every Chapter 11 Debtor in Possession which holds any interest in any parcel of real property shall provide the United States Trustee with a completed Real Property Questionnaire. Included within the meaning of the phrase "any interest in any parcel of real property" are real property leases, land sales contracts, open escrows and other transactions under which the Debtor presently may not be a titleholder of record.

The United States Trustee deems the requested information necessary to carry out the statutory responsibilities to monitor and evaluate all pending Chapter 11 cases in this District. Therefore, failure to timely and fully submit this form for each parcel of real property may result in the filing of a motion to dismiss this case, convert this case to one under Chapter 7 or for appointment of a Trustee. Consequently, the Debtor is required to fully answer each question contained in each section of this Questionnaire that applies to the particular parcel of real property involved. A separate Questionnaire is to be filed for each parcel of real property. If additional space is required for any answer, a continuation sheet specifying the Section and Question involved should be attached.

SECTION ONE: PROPERTY OWNED OR BEING PURCHASED BY DEBTOR	
A. Address of Property including county and state in which it is located:	
B. Legal Description of property (i.e., Lot and Tract Number , including Tax Assessor's I.D. Number):	
C. Percentage interest in the property owned by the Debtor:	
D. Date of Debtor's acquisition of the property:	Purchase Price: \$
E. Type of real property (i.e., single family residence, condominium, apartment bldg; office bldg., commercial, industrial, unimproved):	

F. Description of property (i.e., square footage, number of units, number of offices, amenities, condition):

G. Development status of property:

(1) Permits (type, date issued, expiration date):

(2) In construction (date of commencement, estate date and cost of completion, name of construction lender):

(3) Rehabilitation (specify nature, cost and status of rehabilitation effort):

H. Present Fair Market Value: \$

I. State source and basis of the above fair market value:

(Attach a copy of the latest appraisal)

J. Does the property meet all federal, state and local requirements including, but not limited to health, building, safety, OSHA, earthquake and fire regulations? ( ) Yes ( ) No (If answer is "No," briefly explain and attach copies of any complaints, citations and/or recorded documents which specify the substance of the alleged violations)

K. State the name of the titleholder of records as of the date of the filing of the Petition:

L. State the name of the Grantor of the property to the titleholder set forth in "K" above:

M. Is the titleholder, specified in "K" above, the Debtor in this Chapter 11 Proceeding? ( ) Yes ( ) No  
(If your answer is "No," explain why the titleholder and Debtor are different persons/entities)

N. State the date of the last transfer of any interest in the property and name of the transferor and transferee:

O. Was title to the property transferred to the Debtor within ninety (90) days prior to the filing of the Chapter 11 Petition?  
( ☐ ) Yes ( ☐ ) No (If your answer is "Yes," state the reason for the transfer)

P. If the Debtor is a partnership, did all of the general partners consent to the filing of the Chapter 11 Petition: ( ☐ ) Yes ( ☐ ) No  
(If your answer is "Yes," attach documentation to indicate such consent was given by all partners)  
(If your answer is "No," explain why all did not consent and identify each non-consenting partner)

Q. Is the property currently occupied ? ( ☐ ) Yes ( ☐ ) No

R. Does the Debtor, its principals or any other person or entity related to the Debtor or its principals occupy or use any portion of the property? ( ☐ ) Yes ( ☐ ) No  
(If your answer is "Yes," state the name of the tenant, nature of the relationship to the Debtor and terms of the agreement, if any)

S. Does any other person/entity other than the Debtor use, lease or occupy any portion of the property? ( ☐ ) Yes ( ☐ ) No  
(If your answer is "Yes," state name of such person/entity, whether it is related, affiliated or doing business with the Debtor or any principal of the Debtor, and state the terms of such use, lease or occupancy)

T. Has the Bankruptcy Petition been recorded in the Office of the Recorder of the county in which this property is located?  
( ☐ ) Yes ( ☐ ) No (If your answer is "Yes," state the Date of Recordation and Instrument Number or Book and Page Number)

SECTION TWO: FINANCIAL STATUS OF OWNED PROPERTY

A. List voluntary encumbrances of record against the property (e.g., mortgages, stipulated judgments):

	Lender Name	Current Princial Balance	Installment Amount	Frequency
1 <sup>st</sup> :		\$	\$	
2 <sup>nd</sup> :		\$	\$	
3 <sup>rd</sup> :		\$	\$	
4 <sup>th</sup> :		\$	\$	

  

	Maturity Date	Date of Last Payment	Number of Delinquent Payments
1 <sup>st</sup> :			
2 <sup>nd</sup> :			
3 <sup>rd</sup> :			
4 <sup>th</sup> :			

B. List involuntary encumbrances of record against the property (tax, mechanics' and other liens, judgments, lis pendens):  
(State type of lien, amount claimed and date of recordation)

C. Was a Notice of Default and/or a Notice of Sale recorded prior to the filing of the bankruptcy petition?    ☐ Yes    ☐ No  
(If your answer is "Yes," state which document was recorded, the name of the lender, and the date of recordation)

#### D. Property Taxes:

- (1) Assessed value of property per latest real property Tax Bill: \$
- (2) Annual taxes and installment due dates:
- (3) Indicate the due dates and amounts of any Tax Bills which have not been paid:

A. Has a real estate broker been employed?    ☐ Yes    ☐ No

(If your answer is "Yes," state the name of broker, name of the salesperson, date employed, company name, address and telephone number and the listing agreement expiration date)

B. Has an Application to employ the broker been filed with the Court?    ☐ Yes    ☐ No

C. How long has the property been listed or advertised for sale with current broker:

D. Has any written offer been received:    ☐ Yes    ☐ No

(If your answer is "Yes," state the terms of each such written offer?)

E. What is the date the property was first listed for sale with any broker?

F. What is the current listing price? \$

(Attach a copy of the Listing Agreement)

G. Have other attempts been made to sell the property? (For each such attempt state the date, asking price and result)

H. Explain other alternatives considered as to the disposition of the property (i.e., refinancing, capital infusion, stipulation with lender):

SECTION FOUR: PURCHASE OF PROPERTY

A. Is the Debtor currently purchasing this parcel of real property?    ☐ Yes    ☐ No  
(If your answer is "Yes," state the name, address and telephone number of the seller)

B. Is the Debtor a party to a Land Sales Contract or other arrangement by which actual title is to be taken at some point in the future?  
☐ Yes    ☐ No (If your answer is "Yes," attach a copy of any written documents which state the terms of such transaction)

C. If an escrow has been opened, state the escrow company name, name of escrow officer, address, and telephone number:  
(Attach a copy of the Purchase Agreement and Escrow Instructions)

D. What is the purchase price?    \$

SECTION FIVE: PROPERTY LEASED BY DEBTOR AS A LESSEE

A. Address of property including county and state in which it is located:

B. Type of real property (i.e., single family residence, condominium, apartment bldg, office bldg., commercial, industrial, unimproved):

C. Description of property (i.e., square footage, number of units, number of offices, amenities, condition):

D. Is the Debtor or any principal of the Debtor affiliated with or related to the lessor? ☐ Yes ☐ No  
(If your answer is "Yes," explain the relationship)

E. Does a written lease exist? ☐ Yes ☐ No (If your answer is "Yes," attach a copy of the Lease)

F. Lease payment amount: \$ Per ☐ Month ☐ Quarter ☐ Year ☐ Other:

G. Number of pre-petition delinquent lease payments:

H. Total dollar amount of pre-petition delinquent lease and related payments: \$

I. Specify the type, amount and date of any deposits paid to the lessor (i.e., security deposits, first and last month's rent):

J. Describe provisions in the lease for increases in lease payments:

K. Describe type of lease (i.e., triple net, minimum plus percentage of sales, gross lease) and state basic lease terms:

L. When did the lease commence: When is the lease termination date?

M. Does the lease provide any options to extend the term of the lease? ☐ Yes ☐ No  
(If your answer is "Yes," describe each option)

N. List the improvements made and fixtures installed by the Debtor (i.e., items so attached or integrated with the property so as to render them legally non-removable) and state the cost:

SECTION SIX: INSURANCE

A. State the following as to each policy of insurance: *(ATTACH A COPY OF EACH CURRENT POLICY OF INSURANCE)*

Type of Insurance	Name, address, and Phone Number of Insurance Agent	Insurance Company Name	Policy No.	Amt. Of Coverage	Exp. Date
1)					
2)					
3)					

B. Is any of the insurance being purchased through premium financing? ( ) Yes ( ) No (If your answer is "Yes," provide the finance company's name, address and phone number)

C. If any policy payments are delinquent, so state and provide the amount and number of installments that are past due:

SECTION SEVEN: INCOME FROM RENTAL OF PROPERTY

A. What is the actual gross monthly income being received from rental of the property? \$

B. What is the current occupancy rate and the square footage presently being leased?

C. If the property were fully leased, state the anticipated gross monthly income \$



D. Itemize the total monthly expenses *excluding* debtor service:

E. Is there any person or entity managing the property?:        ☐ Yes    ☐ No  
(If your answer is "Yes," state the name, address and telephone number of the managing person/company and attach a copy of the management company's fidelity bond)

F. What are the terms of the management agreement? (IF written, attach a copy of the agreement)

G. Is the manager of the property related to or affiliated with the Debtor in any way?        ☐ Yes    ☐ No  
(If your answer is "Yes," explain the relationship or affiliation)

H. Is any person and/or entity occupying any portion of the property at a reduced rental rate or at no rental charge?    ☐ Yes    ☐ No  
(If your answer is "Yes," explain fully)

*I declare under penalty of perjury that the answers contained in the foregoing Real Property Questionnaire are true and correct to the best of my knowledge, information and belief. I have full authority to make the above answers on behalf of the Debtor in Possession.*

Date:

Name and Title *(Please Type or Print)*:

Signature of Authorized Agent for Debtor in Possession:

